

2/28/06
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GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2006 REGULAR SESSION

SENATE BILL NO. 138

WEDNESDAY, FEBRUARY 22, 2006

The following bill was reported to the House from the Senate and ordered to be printed.

RECEIVED AND FILED
DATE March 24, 2006
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TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Adler

AN ACT relating to penalties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1 Section 1. KRS 351.990 is amended to read as follows:

2 (1) Any person who violates any of the provisions of KRS 351.315 to 351.375, or any
3 administrative regulation, determination, or order promulgated in accordance with
4 KRS 351.315 to 351.375~~[issued thereunder]~~ shall be subject to a civil fine not less
5 than two hundred fifty dollars (\$250)~~[twenty dollars (\$20)]~~ nor more than five
6 thousand dollars (\$5,000)~~[one thousand dollars (\$1,000)]~~ for each violation.

7 (2) Any person who~~[shall]~~ willfully violates~~[violate]~~ any of the provisions of KRS
8 351.315 to 351.375, or any administrative regulation, determination, or order
9 promulgated in accordance with~~[pursuant to the sections of]~~ KRS 351.315 to
10 351.375 which has~~[have]~~ become final shall be guilty of a Class A misdemeanor.

11 (3) Any person who violates any of the provisions of KRS 351.330(16) shall be guilty
12 of a Class B misdemeanor.

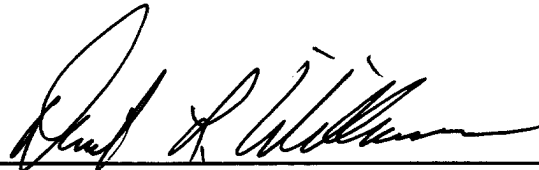
13 (4) Any person who violates any of the provisions of KRS 351.345(2) shall be guilty of
14 a Class D felony.

15 (5) Any operator who fails to obtain his license as required by KRS 351.175 shall be
16 guilty of a Class A misdemeanor as defined in KRS 532.090. Each day the mine is
17 operated without a license constitutes a separate offense. Venue for the offenses
18 shall lie in the county in which the offense occurred.

19 (6) Any operator operating a mine with knowledge that the mine has been placed under
20 a valid closure order pursuant to KRS 351.175 shall be guilty of a Class D felony.
21 Jurisdiction shall lie in the Circuit Court of the county in which the offense
22 occurred.

23 (7) Any blasting operation that results in the death or serious physical injury of a
24 person may be subject to a civil fine ^{of} not more than twenty thousand dollars
25 (\$20,000). For the purposes of this subsection, "serious physical injury" means

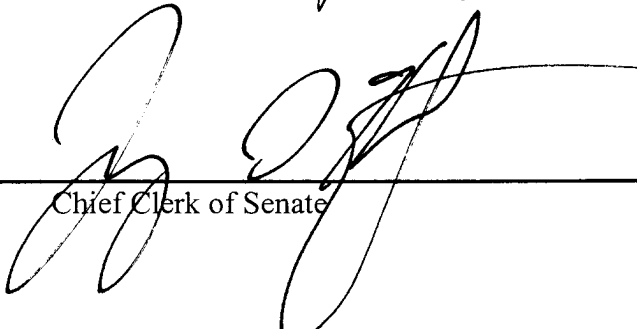
1 *an injury which has a reasonable potential to cause death.*



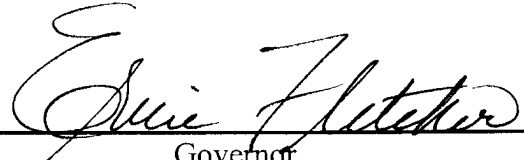
President of the Senate



Speaker-House of Representatives

Attest: 

Chief Clerk of Senate

Approved 

Governor

Date 3/23/06